

REMARKS

1. Claims 35-42, 51-66 and 70 – 75 are currently pending in the application. Claims 73, 74, and 75 are new. No new matter has been added.

Claim Rejection under 35 U.S.C. § 112, first paragraph

2. In its Response to Arguments, the Examiner “maintains that there is not adequate support for [a] system performing the steps comprising determining whether the money market fund is fully credited.” Such notion is reiterated with regard to the Examiner’s rejection of claims 70 – 72 specifically.

Applicant again submits (as it did in page 10 of its response filed May 27, 2010, which response is incorporated herein), that if the terms of the money market note are embodied in electronic format, such as a data record, and the credit is represented in electronic format, which notions are fully supported in the specification, then a computer must *necessarily* be involved in determining the extent to which the principal of the money market note is fully credited. The Examiner has not addressed Applicant’s position in this regard. In particular, the Examiner has not stated whether he believes the specification does not support the notion that the money market note and credit are embodied in electronic format and/or whether it follows that a computer must necessarily be involved in determining the extent to which the principal of the money market note is fully credited. Applicant requests that the Examiner clearly set forth his position in this regard so that the Applicant can better understand the precise nature of the rejection and respond accordingly.

3. With regard to claims 35 – 42 and 51 – 66, the Examiner maintains that such claims fail to comply with the written description requirement because the specification does not contain a representation of a system comprising a memory and a processor. Similarly, with regard to claims 70 and 72, the Examiner maintains that such claims fail to comply with the written description requirement because the specification does not reference computer executable instructions.

Applicant has repeatedly taken the position, which is fully supported by the MPEP, that the specific words used in the claims need not be used in the specification in order to comply

with the written description requirement. It appears that the Examiner agrees with this basic proposition. If otherwise, it is requested that the Examiner state his position in this regard.

Instead, the Examiner has taken the position that the original disclosure does not demonstrate that the Applicant was in possession of the claimed invention. The Examiner provides no support for his conclusion in this regard and, indeed, merely reiterates his position in a conclusory fashion. Further, the Examiner has not addressed any of the specific arguments raised by Applicant in its prior responses or facts stated in support thereof. In particular, the Applicant has repeatedly cited to portions of the specification that specifically state that the collecting and crediting steps are performed electronically and data relating to the notes is stored electronically. Thus, the Applicant concludes, that such activities, if conducted electronically, must *necessarily* be performed using a computer (which, *necessarily*, includes a memory and processor that executes programs). Indeed, it is unclear whether Examiner disputes that the specification states that the collecting and crediting steps are performed electronically and data relating to the notes is stored electronically and/or that such activities, if conducted electronically, must necessarily be performed using a computer. Applicant requests that the Examiner clearly set forth his position in this regard so that the Applicant can better understand the precise nature of the rejection and respond accordingly.

According to MPEP 2163.04, the Examiner has the “*initial burden* of presenting by a *preponderance of evidence* why a person skilled in the art *would not recognize* in an applicant’s disclosure a description of the invention defined by the claims.” Applicant respectfully submits that the Examiner has not met his burden in this regard. Indeed, the Examiner has presented *no evidence*, or even an argument, as to why a person skilled in the art would not recognize in an applicant’s disclosure a description of the claimed invention.

4. New claims 73 – 75 are directed to a computer implemented method. As these claims are tied to a machine (i.e., a computer), they constitute patent-eligible subject matter under 35 U.S.C. § 101. Furthermore, as explained in detail above and in prior responses, there is ample support in the specification for the collecting and crediting steps being performed by a computer and, thus, such claims comply with 35 U.S.C. § 112, first paragraph.

CONCLUSION

In view of the foregoing Amendment and remarks, Applicant respectfully submits that all pending claims are in condition for allowance and such action is respectfully requested.

The Director is hereby authorized to charge any necessary fees, including extension fees under 37 C.F.R. § 1.17(a), or credit any overpayments in connection with this submission to Deposit Account No. **50-0310** (Billing No. 101612-5026US).

Respectfully submitted,
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